

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/783,333

REMARKS

Claims 1-10 are all the claims pending in the application.

In response to the Amendment filed September 7, 2004 and the Preliminary Amendment filed October 5, 2004, the Examiner removed the previous claim rejections. The status of the claims is the following.

Claims 1, 2, 7, 8 and 10 are allowed.

Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3, 5 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously-cited Strawczynski et al. (US 6,628,641) in view of newly-cited Ludwig et al. (US 6,697,352).

Ludwig relates to a communication device and method for sending data packets over a link establishing a connection between a computer and a packet exchange network such as the Internet.

The Examiner concedes that Strawczynski does not disclose a corruption indication flag for indicating corruption of the data, as recited in claims 3 and 9. It is not asserted in the Office Action that Ludwig discloses the claimed corruption indication flag. Rather, the Examiner points to Ludwig and asserts that if the TCP header of FIG. 5 of Ludwig had a header error in the initial layer, at the highest level, the TCP header error would be a data error. The Examiner further asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the system of Strawczynski to send error flags indicating an error in the

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header, where the header of one layer is the data of another layer. Applicant respectfully disagrees.

As shown in FIG. 5 of Ludwig, the TCP header is a header introduced on the transport layer and maintained as a header in the network and link layers. In other words, the TCP header does not become part of the data. Thus, an error in the TCP header would be a header error, not a data error.

By comparison, the application header introduced on the application layer in FIG. 5 of Ludwig is part of the application data on the transport layer. However, even an error in the application data would simply be a data error, not a corruption indication flag.

Furthermore, neither Ludwig nor Strawczynski discloses the claimed corruption indication flag for indicating corruption of the data on a lower multiplex-protocol data unit layer than the application layer. The Examiner concedes that Strawczynski does not disclose this feature of the claims of the present invention. As described above, Ludwig also fails to disclose the claimed corruption indication flag. Therefore, claims 3 and 9 are allowable over the prior art.

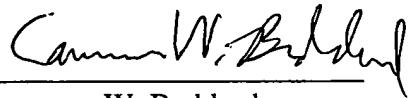
Applicant submits that claim 5 is allowable, at least because of its dependence from claim 3.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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